

# ORIGINS OF FORMATION AND DEVELOPMENT PROSPECTS OF ADMINISTRATIVE LAW AND ADMINISTRATIVE PROCEDURE LAW

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## MILITARY-ADMINISTRATIVE LEGAL RELATIONSHIP: CONCEPT AND STRUCTURE

### *Summary*

*The issue of administrative-legal relations remains one of the most complicated in both administrative and legal science, and in the theory and practice of legal science and requires further scientific research. In this article, the administrative-legal relations in the field of defense of the state are considered based on the understanding of the category of legal relations at the general theoretical and administrative-legal level. Modern science of administrative law, administrative-legal relations are considered as the result of the regulatory influence of the administrative-legal norm on social relations, as a result of which social relations turn into administrative-legal relations.*

*On the basis of the existing theoretical approaches and attitudes in the administrative-legal science, the question of essence, characteristic features and features of a group of homogeneous administrative-legal relations in the field of state defense is considered. As a result of the study, the author concludes that the development of public relations in the field of state defense leads to the formation within the system of modern administrative law of a separate group of qualitatively homogeneous administrative and legal relations in the field of state defense, which, based on their legal nature, can be called military – administrative legal relations.*

*The author's definition of the concept of «military-administrative legal relations» is proposed. The structure of military-administrative legal relations is determined and its elements are investigated: the subject of military-administrative legal relations, the object of military-administrative legal relations, legal facts on the basis of which there is a military-administrative legal relationship.*

### **Introduction**

In recent scientific research that addresses the problems of administrative and legal support of various spheres of public life, various spheres of public administration, a considerable attention is paid to the issues of definition of the concept, essence, characteristic features and features of administrative-legal relations,

depending on the legal phenomenon or sphere of public relations which are being investigated. At the same time, in spite of the urgency of the issues of the administrative and legal provision of state defense in the conditions of military aggression, the need for the conduct of defense reform, the study of administrative-legal relations in the field of defense is not given due attention.

That is why, the question of the nature, characteristics and characteristics of a separate group of qualitatively homogeneous administrative-legal relations in the field of defense are relevant and require further clarification for the science of administrative law, within the scope of studying the issues of administrative and legal support for the defense of the state, as a multifaceted state-legal phenomenon that permeates all spheres of society's life, a separate sphere of public administration. The importance of considering both theoretical and practical issues of the emergence, development and termination of administrative and legal relations in the field of defense is defined as a place of administrative and legal relations in the structure of administrative and legal support of defense, and their importance for regulating public relations in the field of state defense.

Under the current conditions of the aggression of the Russian Federation, the occupation of the Autonomous Republic of Crimea and some districts of Donetsk and Lugansk regions, the state's defense function, the restoration of sovereignty and territorial integrity, the reintegration of the occupied territories, the protection and restoration of the rights and freedoms of citizens is impossible without scientifically substantiated legal influence on the public relations in the field of defense and tasting on this basis necessary for the defense of the state of administrative-legal relations.

### **Administrative (military-administrative) legal relations in the field of state defense**

The concept and features of administrative legal relations in the field of defense should be considered based on the nature of the category of legal relations at the general theoretical level. Despite numerous scientific studies of this problem, the issue of relationship remains one of the most difficult in the theory and practice of juridical science, among scientists there are different approaches and different views on legal relations. So O. I. Kharitonova, on the basis of the analysis of scientific views on this issue, highlights several approaches to understanding the legal relationship. In particular, supporters of the most radical position interpret the legal relations as covering the whole array of social relations, since the latter, in their beliefs, cannot exist beyond the law. In their opinion, any volitional relations between people should be normalized, that is, expressed through legal relations [1, pp. 57-58]. Proponents of a different point of view, which is more popular, and which is followed by the majority of scholars, consider legal relations as a category that is not identical to the concept of social relations. In their view, social relations are a broader category than legal relations, which should be regarded as one of the types of social relations regulated by law [1, p. 59]. In general, in legal literature on the general theoretical level, legal relations are considered as: social relations governed by law [2, p. 44]; social relations that are provided by the juridical (legal) norm, expressed in mutual legal rights and obligations of subjects of law [3, p. 77]; social relations that arise and

are carried out on the basis of the norms of law and are expressed in mutual legal rights and obligations of subjects of law [4, p. 31]; regulated by the norms of law and provided by the state volitional social relations, expressed in a concrete connection between the subjects – eligible (holders of subjective rights) and obliged (bearers of duties) [5, p. 384]; the type of social relations that arise on the basis of law and whose participants are the bearers of subjective rights and legal obligations [6, p. 226]. According to O. I. Kharitonova, based on the differentiation of the definition of legal relations at the level of the general division of the right to private and public, the description of legal relations as social relations, regulated by the rules of law, to a greater extent relate to relations that arise in the field of public industries rights (first of all, administrative, all procedural, etc.) [1, p. 60]. Concerning the definition and characterization of legal relations at the concrete branch (administrative) level, they act as their own specific social relations, regulated by certain norms of the relevant branch of law with respect to specific subjects existing and operating within the legal regulation of the relevant field of law [1, p. 61].

The administrative-legal relations are considered by the modern science of administrative law as: stable legal relationship between the subjects and objects of the public (mostly state) management, arising as a result of the action of administrative and legal norms [7, p. 34]; social relations regulated by the norms of administrative law in which their parties (subjects) are interconnected and interact through the exercise of subjective rights and obligations established and guaranteed by the relevant administrative and legal regulations [8, p. 178]; public relations in the sphere of public administration, participants of which act as bearers of rights and obligations, regulated by the norms of administrative law [9, p. 96; 10, p. 57]; social relations regulated by the rules of administrative law, which are formed in the sphere of the public administration [11, p. 34].

So T. O. Kolomoets considers the administrative-legal relations as public relations, regulated by the norms of administrative law, whose subjects are endowed with rights and obligations in the field of ensuring the rights, freedoms and legal interests of individuals and legal entities, as well as the process of public (state and self-government) administration in the spheres of socio-economic, administrative and political development and the protection of public order [12, p. 43-44].

Having studied the conceptual foundations and the legal nature of administrative-legal relations, O. I. Kharitonova has come to the conclusion that the administrative-legal relations should be considered as social relations regulated by the administrative-legal norm, which are formed in the branch of public administration and administrative protection of public order, one of the participants (or all participants) of which is (are) the holder(s) of power, as well as subjective rights and legal obligations that are under the protection of the state [13, p. 193].

Thus, most academic administrators within the framework of a single approach consider administrative-legal relations as the result of the regulatory influence of the administrative-legal norm on social relations, as a result of which social relations turn into legal relations, and more specifically, into administrative-legal relations. In this case, social relations constitute the content of administrative legal relations and exist as a real relationship. As V. B. Averyanov emphasizes, the administrative-legal forms

can acquire various types of social relations, but first of all it concerns state-management relations, which make up a significant share in the content of the subject of administrative law regulation [8, p. 178]. Thus, the scientist emphasizes that administrative relations are primarily related directly with public administration, the practical realization of the tasks, functions and powers of the state in the process of public management, with the public management of the state in various spheres of public life, one of which is the sphere of state defense. In this case, the state (public) administration in administrative law is defined as the rule-making and regulatory activity of executive authorities for the purpose of power-organizational influence on the relevant social relations and processes in various spheres of social life, as well as the internal organizational activity of the apparatus of all state bodies in ensuring proper fulfillment of the tasks, functions and powers assigned to them [8, p. 60-61].

This refers to the characteristics of administrative legal relations in the sphere of state defense, is liable to the norms of administrative law by public relations in the sphere of state defense. In the juridical literature, this homogeneous group of law-visions, by which public relations are regulated in the sphere of state defense, are covered by the notion of «military relations» or «military relations» [14, p. 17]. Considering that military legal relations, firstly, mainly consist of public administration, and the domination of administrative and legal aspects and administrative norms is a feature of the legal regulation of the sphere of military security and defense of the state; secondly, military legal relations, in their legal nature and intrinsic nature, are a kind of qualitatively homogeneous social relations, which are formed in the process of implementation by the state of public administration (executive and administrative activities) in the field of defense and governed by the norms of administrative law, in our opinion, this separate group of homogeneous administrative legal relations in the sphere of defense of the state can be called military-administrative legal relations.

Development of military-administrative legal relations (administrative-legal relations in the field of defense) is associated with the development of major groups of social relations governed by the norms of administrative law, tendencies in the development of the modern administrative law system. At the same time, military-administrative relations develop in all these groups of administrative-legal relations, as an integral part of the system, a separate group of homogeneous administrative legal relations governing the sphere of public administration of state defense [15, p. 70-76]. The development of a separate group of homogeneous administrative-legal relations in the field of defense (military-administrative legal relations) within the limits of modern administrative law leads to the formation on this basis, a separate sub-branch of the Special Administrative Law – Military Administrative Law. In this case, military-administrative relations (administrative relations in the field of defense) act as specific social relations, regulated by the norms of military-administrative law [14, p. 40-46; 16, p. 46-51].

Currently, in the scientific juridical literature and dissertation research, various definitions of features characteristic for administrative-legal relations as a whole are given [1, p. 69-70; 9, pp. 43-44; 11, pp. 34-35; 17, p. 20; 18, p. 234-236], as well as features of administrative-legal relations based on various spheres of public

administration [19, p. 33-34; 20, p. 92]. It is possible to distinguish a number of characteristic features, which generalize the common in the science of administrative law, the view on the signs of administrative-legal relations, in particular: 1) the emergence in the field of public administration; 2) one of the parties must be the authority; 3) regulated by administrative-legal norms; 4) their members act as bearers of rights and responsibilities in the field of public administration; 5) have public-public character; 6) are relations of «power – subordination» and determined by legal inequality of the parties; 7) may arise at the initiative of any subject of administrative law, the consent of the other party is not mandatory; 8) the violation by a party of its obligations causes its responsibility to the state in the person of its competent authorities; 9) for the management of their rights are both duties and responsibilities; 10) for the violation of obligations, as a rule, apply measures of administrative coercion; 11) disputes between the parties have a special legal regime ensuring the law (administrative and judicial) [21, p. 11-18]. Such features and peculiarities of administrative-legal relations are inherent in the field of public defense of the state. According to P.P. Bogutsky, the military sphere of social activity (the sphere of defense of the state) is characterized by inherent relations only that arise and exist within the framework of the functioning of the Military Organization of the State (Sector of Security and Defense) [22, p. 4-17]. In accordance with the Law of Ukraine «On National Security of Ukraine» (Article 1), the security and defense sector is covered by the unified leadership and coordination of the aggregate of state authorities, the Armed Forces of Ukraine, other military forces formulated in accordance with the laws of Ukraine, law enforcement and intelligence agencies, the forces of civil defense, the defense industry of Ukraine, whose activities are under democratic civilian control and in accordance with the Constitution and laws of Ukraine on the functional purpose of the direction and the protection of national interests of Ukraine threats and individuals and associations who voluntarily participate in national security [23]. The features of the military-administrative legal relations (administrative-legal relations in the sphere of defense of the country) will be manifested precisely in the activity, in relations between the components of the security and defense sector, the subjects of defense, in the exercise of their rights and responsibilities.

Characteristic features of administrative-legal relations in the sphere of national security, an integral part of which is the sphere of defense of the state, was considered by V. A. Lipkan in his dissertation paper [20, p. 92]. In his opinion, the administrative-legal relations in the sphere of national security are regulated by the rules of law social relations in the sphere of national security, in which their parties (subjects) are interconnected and interact with the exercise of the subjective rights and obligations established and guaranteed by the relevant administrative and legal regulations [24, p. 83]. According to the scientist, administrative and legal relations in the field of national security have the main characteristic features of administrative-legal relations, as well as due to a specific area of public administration, based on its specifics.

Undoubtedly, military-administrative relations, arising in the sphere of defense of the state, as one of the spheres of public administration is a kind of administrative-

legal relations, and as administrative-legal relations in a specific area of public relations. They have the following characteristics: 1) the administrative-legal relations in the field of state defense is an integral part of relations in the field of public administration; they arise in the process of practical realization of the functions and tasks of the state with regard to defense; 2) the rights and obligations of legal entities in the field of defense asymmetric and related to the activities of public administration in the field of defense; 3) a public state administration body or an entity of civil society, endowed with rights and responsibilities in the field of defense, acts as one of the subjects in these relations; 4) these relations arise at the initiative of one of the subjects, and the consent of the other party is not a prerequisite for their occurrence; 5) administrative-legal relations in the field of defense is a special legal relationship between the entities, one of which has the right to demand from another such behavior, which is provided by the administrative law; 6) the subject of defense is obliged to realize its own material and procedural rights, that is, the right acts simultaneously and the duty of the subject of administrative legal relations in the field of defense; 7) in the case of violation of the norms regulating social relations in the field of defense, the offender is not responsible to the other party, but to the state, depending on the level of social danger of the offense; 8) administrative-legal relations in the field of defense can be implemented on the basis of both power and subordination, and on the basis of equality of parties, when each subject must comply with specific requirements of the administrative law. It is precisely the existence of mutual rights and responsibilities among defense actors as a special feature of administrative and legal relations in the field of defense; 9) resolving disputes between the subject of administrative and legal relations in the field of defense, are resolved both in the administrative order, and in administrative and other courts.

### **Organization of military-administrative legal relations**

The military-administrative legal relations (administrative legal relations in the field of state defense) have their own organization, which is inherent in administrative legal relations [1, p. 74; 25, p. 102-103; 26, p. 57; 27, p. 50; 28, p. 15]. The organization of military-administrative legal relations includes the following elements: the subject of military-administrative legal relations; the object of military-administrative legal relations; legal facts on the basis of which military-administrative legal relations arise.

We briefly review some elements of the organization of military-administrative legal relations. Taking into account that the administrative-legal relations are formed, as a rule, in a special sphere of social life – public administration, in connection with the implementation by public administration bodies of public functions, defined by law, including the implementation of the constitutional function of providing state defense, subjects have a paramount role in determining the content and implementation of military-administrative legal relations. The subjects (participants) of the military-administrative legal relations will be the subjects of administrative law, the subjects of administrative and legal protection of defense, etc., specific carriers (legal and physical persons) provided by the administrative and legal norms

of rights and obligations who are able to exercise their rights and fulfill their state defense responsibilities.

Thus, the subject of military-administrative legal relations (administrative and legal relations in the field of state defense) is the subject of administrative law, administrative and legal protection of defense, which entered into specific, regulated by administrative and legal norms of legal relations in the field of state defense, for the defense of the state, realization of rights and obligations in the field of defense.

Military-administrative relations as relations of public administration arise in the course of the implementation of public administrative activities, that is, in the process of activity of the subject, which is manifested in the purposeful impact on the object in order to bring it to the desired state for the subject. At the same time, public administration, according to V. K. Kolpakov, consists of: a) state administration; b) self-government; c) public administration [25, p. 102-104]. Therefore, in our opinion, among the subjects of military-administrative legal relations (administrative-legal relations in the field of defense), the following groups can be singled out: 1) the Ukrainian state and bodies of public government (state bodies); 2) local self-government bodies; 3) civil society institutions: associations of citizens, volunteer organizations, religious organizations, other non-governmental organizations, citizens of Ukraine. The concrete circle of subjects of military-administrative legal relations, endowed with rights and obligations in the field of state defense is defined by the law of Ukraine «On the Defense of Ukraine» [29].

The reason for the participation of subjects in specific military-administrative legal relations is the availability of rights and obligations in the sphere of defense of the state envisaged by the administrative and legal norms and the ability to exercise these rights, and to perform duties in accordance with the procedure established by the administrative-legal norms.

The social relations in the field of defense should be understood as the object of military-administrative legal relations (administrative-legal relations in the field of defense), then, from what the administrative relations arise: behavior, material values, intangible goods, etc. [25, p. 102-104]. The protection of human rights and freedoms, state sovereignty, territorial integrity and democratic constitutional order and other vital national interests from military threats belong to such objects, in accordance with the National Security Strategy of Ukraine, the Law of Ukraine «On National Security of Ukraine» [30; 23].

Military-administrative legal relations (administrative-legal relations in the field of defense) arise, change, develop and cease on the basis of legal facts, the main feature of which is the ability to cause legal consequences [24, p. 86] and cause the emergence of legal relationship, primarily management [31, p. 27], between the subjects of the defense. Actions and events belong to the legal facts, on the basis of which arise military-administrative relations at a specific administrative level. Action is a legal fact that arises and depends on the will of people in the process of realizing their rights and responsibilities as subjects of the relationship. For the sphere of defense of the state the most characteristic actions on the basis of which there are military-administrative relations are acts of management, among which should be distinguished the normative acts of the subjects of defense, including acts of state

authorities, military command and military command. Acts of management are the most common form of application of the norms of administrative law in the realization of the tasks of public administration in the field of state defense. According to O. I. Kharitonova, the acts of management should be considered as lawful actions committed by authorized entities in order to establish, modify, terminate, etc. administrative-legal (managerial) relations, either by the publication of rules of law, or by the issuance of individual administrative acts (individual acts of administration) [31, p. 27]. Acts of management in the field of defense are the lawful actions of the defense actors that meet the requirements of administrative law. Such acts of management as decrees and orders of the President of Ukraine, directives and orders of the President of Ukraine as the Supreme Commander-in-Chief of the Armed Forces of Ukraine; resolutions and orders of the Cabinet of Ministers of Ukraine; directives and orders of military command and military command units; orders of commanders, etc. concerning the activities of the Armed Forces of Ukraine, other military formations, and all entities providing defense of the State belong to the lawful actions of the subjects of defense, which give rise to administrative and legal relations in the field of defense. Administrative-legal relations in the field of defense also arise in connection with the actions of some individuals (citizens, servicemen, persons called for military service, etc.) and officials. For example, in the case of a soldier's complaint with the actions of an official (commander, chief), in accordance with the requirements of the Charter of the internal service of the Armed Forces of Ukraine [32]. Moreover, inactivity, which is an unlawful act, may be a legal fact that leads to the onset of administrative-legal relations. Illegal actions are offenses, misdemeanors, which entail the use of coercive measures. It should be emphasized that, given the special nature of legal relations in the field of defense of the state, they are protected not only by the norms of military-administrative law, for example, with regard to bringing to disciplinary liability in accordance with the disciplinary statute of the Armed Forces of Ukraine [33]. Given the increased public danger of violations in the field of defense, they are also protected by the rules of criminal law, depending on the severity of the offense.

Administrative-legal relations in the field of state defense will arise not only in case of people's activities, but also in case of the occurrence of events that are not related to the activities of people. Events are phenomena that do not depend on the will of people, but they have legal implications and entail certain consequences. In connection with various events, specific administrative-legal relations in the field of state defense will arise. Such events in the field of defense may include events that, in the accordance with national and international law, are acts of armed aggression – the use by another state or group of states of armed forces against Ukraine. Acts of Armed aggression against Ukraine are: invasion or attack of armed forces of another state or group of states on the territory of Ukraine, as well as occupation or annexation of part of territory of Ukraine; a blockade of ports, coast or airspace, violations of communications by Ukraine with the armed forces of another state or group of states; attack of armed forces of another state or group of states on military land, naval or air forces or civilian sea or air fleets of Ukraine; sending or sending on



behalf of another state armed groups of regular or irregular forces that commit acts of armed force against Ukraine and others [29].

Thus, military-administrative relations (administrative-legal relations in the field of defense) are regulated by administrative-legal norms legal relations that arise, develop and cease between the subjects of defense in the process of implementing the administrative-legal rules governing the sphere of public defense of the state.

In the opinion of military lawyers, military-administrative relations arise: 1) in connection with the implementation of the functions entrusted to them by the military authorities; 2) in connection with the exercise by citizens of the duties and rights granted to them by military law (for example, on the appointment of pensions to members of families of military personnel) [4, p. 18].

We cannot agree not at all with this approach, which, in our opinion, is narrowed and does not take into account modern trends in the development of administrative law and administrative-legal relations in general, as well as the development of social relations in the field of defense in a democratic society which are characterized by the expansion of the range of subjects of defense, the presence of democratic civilian control over the security and defense. After all, the state's functions of providing defense are reliant not only on the bodies of military management and military command, but also on other bodies of public administration within the limits of powers determined by the legislation. Institutions of civil society, civil society as a whole, realizing their constitutional powers in the field of defense play in modern conditions an important role in ensuring the defense of the state, defense reform [34, p. 71-76]. In our opinion, in today's conditions, taking into account the above-mentioned tendencies, the military-administrative relations arise: 1) in connection with the implementation by all bodies of public state administration of the tasks entrusted to them with respect to the implementation of the state's defensive function; 2) in connection with the implementation by legal entities (public and private law) of their rights and obligations in the field of state defense; 3) in connection with the realization by individuals (citizens, foreigners, persons without citizenship) of their rights and responsibilities in the field of state defense.

Among the features of military-administrative legal relations are also allocated: a) their construction on the basis of subordination and a higher degree of centralization of management; b) the undisputed subordination of the lower to higher, subordinate bosses; c) full unanimity, based on the norms of the law; d) reasonable initiative in the performance of tasks assigned to the bodies of military management and military command, military officers within the limits of powers determined by the legislation [14, p. 18]. For example, the President of Ukraine, as the Supreme Commander-in-Chief of the Armed Forces of Ukraine, for the implementation of the powers specified in the Constitution and laws of Ukraine, in the field of defense issues decrees and orders, and as Supreme Commander-in-Chief of the Armed Forces of Ukraine issues orders and directives on defense matters. Since the announcement of the Decree of the President of Ukraine on the announcement of the mobilization or the Presidential Decree on the introduction of a martial law approved by the Verkhovna Rada of Ukraine issued by the Supreme Commander-in-Chief of the Armed Forces of Ukraine, orders and directives on defense will be binding for the

performance not only by military management and military command bodies, but also by all bodies of state power and local self-government, all subjects of administrative legal relations in the field of defense. In the conditions of the legal regime of martial law, the orders of the military management and military command, orders and instructions of military administrations will be binding on all subjects of legal relations concerning the question of the provision of defense, the implementation of the measures of the legal regime of the martial law, in the corresponding area to which their powers are extended [35]. In the process of public administration of state defense, military-administrative relations, as a form of administrative-legal relations, will arise between different subjects of administrative and legal defense.

All administrative-legal relations that arise between subjects of public relations in the sphere of state defense can be divided into two main groups: 1) administrative relations in the field of defense that arise in peacetime, in the context of preparation for the defense of the state; 2) administrative relations in the field of defense that arise during wartime, in a special period, the legal regime of martial law, the actual conduct of war, hostilities. The peculiarity of administrative legal relations in the field of defense in the conditions of a martial law is that, firstly, the rights of the subjects of administrative and legal support of defense, provided by the Constitution and laws of Ukraine, by the Decree of the President of Ukraine approved by the Verkhovna Rada of Ukraine on the introduction of martial law may be limited; and secondly, the subjects providing defense, military management and military command bodies will act according to special norms (procedures) of the envisaged norms of the military-administrative legislation in the exercise of their authority to withstand armed aggression.

### **Conclusion**

The development of public relations in the field of state defense leads to the formation of a separate group of qualitatively homogeneous administrative-legal relations that can be called military-administrative legal relations. Military-administrative relations arise: 1) in connection with the implementation by all bodies of public state administration of the tasks entrusted to them for the implementation of the defense function of the state; 2) in connection with the implementation by legal entities (public and private law) of their rights and obligations in the field of state defense; 3) in connection with the realization by individuals (citizens, foreigners, persons without citizenship) of their rights and responsibilities in the field of state defense.

Military-administrative relations (administrative-legal relations in the field of defense) are legal relationship regulated by administrative-legal norms that arise, develop and stop between the subjects providing defense in the process of implementation of administrative and legal norms governing the sphere of public administration.

Such elements as the subject of military-administrative legal relations; object of military-administrative legal relations; legal facts on the basis of which military-administrative relations arise, belong to the structure of military-administrative legal relations.

Among the subjects of military-administrative legal relations, the following groups can be singled out: 1) the Ukrainian state and bodies of public state administration (state bodies); 2) local self-government bodies; 3) civil society institutions: associations of citizens, volunteer organizations, religious organizations, other non-governmental organizations, citizens of Ukraine.

The fact that administrative relations arise in the sphere of defense, namely behavior, material values, intangible goods, etc., should be understood as the object of military-administrative legal relations. Such objects include the protection of human rights and freedoms, state sovereignty, territorial integrity and democratic constitutional order and other vital national interests from military threats.

Further development of military-administrative legal relations is connected with the development of public relations in the sphere of defense of the state, the main groups of social relations, which are regulated by the norms of administrative law, the tendencies of development of the system of modern administrative law and the formation on this basis of the Military Administrative Law as a separate sub-branch of the Special Administrative Law.

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## **THE ANTHROPOLOGICAL DIMENSION OF ADMINISTRATIVE LAW AND JUSTICE AS A SECURITY CONCEPT OF THEIR DEVELOPMENT**

### ***Summary***

*The article considers issues related to the doctrinal analysis of the development of the science of administrative law and procedure, court practice. Based on the conducted analysis of the state of doctrinal works and court practice, it is concluded that the situation is anthropological-crisis. It is proved that in order to overcome crisis state in administrative law and court practice, anthropological approach and its tools should be used in doctrinal studies. It is due to this that it becomes possible not only to find out the real causes of conflicts and collisions in the law and identify*